

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 03 DEC 2004

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Applicant's or agent's file reference 487952 AHB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No. PCT/NZ2003/000179	International Filing Date (day/month/year) 13 August 2003	Priority Date (day/month/year) 14 August 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ E05D 15/26, 15/58, E06B 3/48		
Applicant FLETCHER BUILDING HOLDINGS LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

I ☒ Basis of the report

II ☐ Priority

III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

IV ☒ Lack of unity of invention

V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 1 March 2004	Date of completion of the report 26 November 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer O.L. HAGGAR Telephone No. (02) 6283 2109

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/NZ2003/000179

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of

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2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos: 46-48, 51-53

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claim Nos. 46-48, 51-53

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Examination Authority has found that there are different inventions as follows:

1. Claims 1-45, 50 and 54-57 are directed to a multi-fold panel assembly, utilising a support track that is skewed outwardly from the plane of the panels in their closed condition such that the panels can be moved to a position substantially clear of the plane of the opening. It is considered that the use of a skewed support track in a multi-fold wing comprises a first "special technical feature".
2. Claims 46-48 and 51-53 are directed to a guiding runner for supporting a lower distal region of a distal panel of a multi-fold panel, comprising a runner in a track and a link with two parallel pivot axes that can move from being aligned with the tracking direction to a position in which the pivot axis most proximal to the panel is spaced from the tracking direction. It is considered that a guide runner with such a link arrangement comprises a second special technical feature.

Since the abovementioned groups of claims do not share any of the technical features identified, a "technical relationship" between the inventions, as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept, a priori.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-45, 49, 50, 54-57

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 3, 6-9, 12-16, 18-20, 23-45, 50, 56	YES
	Claims 1, 2, 4, 5, 10, 11, 17, 21, 22, 49, 54, 55, 57	NO
Inventive step (IS)	Claims 12-16, 45, 50, 56	YES
	Claims 1-11, 17-44, 49, 54, 55, 57	NO
Industrial applicability (IA)	Claims 1-45, 49, 50, 54-57	YES
	Claims NIL	NO

2. Citations and explanations (Rule 70.7)

Novelty (N): Claims 1, 2, 4, 5, 10, 11, 17, 21, 22, 49, 54, 55, 57

(a) FR 2483000

(b) EP 152533

(c) GB 367542

(d) EP 1002921

(e) US 4846245

Citation (a) discloses all the features of claims 1 and 57 as follows:

- two mutually pivoted panels with the axis vertical figure 1 item 9
- a closed condition with the panels in mutual alignment providing closure to an opening and parallel to the opening plane figure 2
- an open condition with the panels pivoted mutually to each other, are clear of the plane of the opening and lie parallel to the plane of the opening figure 5
- one of the panels is pivoted adjacent a vertical periphery of the opening figures 3-5 item 1
- the distal region of a panel is supported by a runner figure 3 item 12
- the supporting runner is on a track part of which is skewed with respect to the plane of the opening thereby moving the supporting runner out of the plane of the opening at the proximal periphery figures 2-5

Claims 1 and 57 are similarly not novel in the light of citation (b).

Citation (a) also discloses all the features of claims 2 (see figure 2 item 10), 4 (see figure 1 item 12), 5, 10, 11, 17 (see figure 1), 21 and 22 (see figure 5).

Citation (c) discloses all the features of claims 49, 54 and 55. These claims are similarly not novel in the light of citations (d) and (e).

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box V

Inventive Step (IS): Claims 1-11, 17-44, 49, 54-55, 57

Claims 1, 2, 4, 5, 10, 11, 17, 21, 22, 49, 54, 55, 57: as above

Claims 3, 6-9, 18-20, 23-44

The features added by these claims relate to details which lie within the range of normal practice and design, and consequently these claims lack an inventive step.